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Fazlur Rahman

ISLAMIC MODERNISM: ITS SCOPE, METHOD AND ALTERNATIVES

I INTELLECTUAL MODERNISM

The classical Muslim modernists of the nineteenth century envisaged Islamic Reform as a comprehensive venture: it took in its purview law, society, politics and intellectual, moral and spiritual issues. It dealt with questions of the law of evidence, the status of women, modern education, constitutional reforms, the right of a Muslim to think for himself, God and the nature of the universe and man and man's freedom. A tremendous intellectual fervour and ferment were generated. The liberals and the conservatives battled; the intellectual innovators were opposed and supported, penalized and honored, exiled and enthusiastically followed. Although the modernist movement dealt with all the facets of life, nevertheless, in my view, what gave it point and significance was its basically intellectual *élan* and the specifically intellectual and spiritual issues with which it dealt. This awakening struck a new and powerful chord in the Muslim mind because intellectual issues had remained for centuries under a state of self-imposed dormancy and stagnation at the instance of conservative orthodoxy. The nineteenth century was also the great age of the battle of ideas in the West, ideas and battles whose strong injections into Muslim society found a ready response. The character of this movement was then primarily intellectual and spiritual.

Intellectual and spiritual issues were given this primacy because the mind of man was thought to be the crucial locus of reform and progress. Whether or not man was a mere plaything in the hands of economic forces and urges, whether he was the grandchild of the ape or a chance product of matter or the immediate cream of creation of an omnipotent and good God, whether or not he was a mere victim of his direct and camouflaged sexual urges—these questions were important because they touched the valuation and destiny of man. Progress was, therefore, essentially *human progress* and its real locus the mind of man—which affected his attitudes and behaviour towards fellow humans and the forces of nature. Gradually but surely, however, this position gave way (under the impact of the ideologies of behavioristic and economic determinism) through new sociological doctrines and new concepts of economic progress—to the view of man as an essentially economic unit and of human progress as essentially economic progress. It would not be perhaps too much to say that Karl Marx remains the genuine father of the present human generation all the world over.

In the case of the Muslim countries, the emphasis on and zeal for pure economic development can be understood, at least on the surface. Like all underdeveloped nations of the East, the Muslims, since their independence, began to exert themselves to catch up with the developed nations and in the process construed their 'backwardness' in purely economic terms. They pursued what seemed to them obvious, viz. to try to fill the tremendous economic gap between them and the developed countries. In this conception they were encouraged by their advisors from the developed countries, which also had come to regard development as being essentially economic. These advisors were probably also afraid that their advocacy of changing people, even if for the sake of economic development, might lead to suspicions on the part of the advisees and irreparable frictions. Above all, the concept of purely economic development seemed easy of implementation, for to count inputs and outputs in purely financial terms was easy and allegedly tangible and objective. It is only the failures of such plans to achieve their *economic* targets that has led sociologists and economists—generally Western—to an awareness that the 'intangible' human element with its moral factors may be all-important, although they are still not prepared to do much about it.

But it would be wrong to think that the policies of contemporary Muslim governments are alone responsible for the demise of Islamic intellectual modernism, although they are doing whatever they can to perpetuate its demise by not doing anything to revive it. We have already alluded to the anti-intellectualist posture of Islamic orthodoxy throughout the later medieval centuries of Islam and to the fact that the intellectual ferment was a relatively brief interregnum from the nineteenth to the earlier part of the twentieth century.[1] But even while this intellectual modernism was in progress, the idea that the Muslims must not allow their 'unity' and 'solidarity' to be endangered in their encounter with the West was strongly asserted and acclaimed. Jamâl al-Dîn al-Afghânî, the real father of this modernism, himself called patently both for internal reforms at all levels and presenting a solid unified front against the West. The plea for unity and solidarity was at the outward-looking political level, while the reforms were inward-looking at the socio-intellectual level. As time went on and the conservative forces reacted to this modernizing trend, however, they did not fail to effectively

[1] It is now admitted by many educated Muslims that this development was made possible because direct or effective rule had passed to alien Western powers. Muslim governments, whether new 'democratic authoritarians' or old despotic ones, feel that somehow they can ill-afford to create 'frictions' as a result of free discussion and debate. Many Pakistanis think that since their state is 'ideological', it can as little brook friction by free debate as, say, a Communist state. If this were true, all Muslim states would be, in fact, ideological even if not so constitutionally. Whereas, however, in the case of a Communist state, the people in charge of affairs have certain definite objectives and also methods of realizing those objectives, which they push through by the force of the state-machinery, this is obviously not the case with Muslim governments. In the case of the latter, it is their weakness *vis-à-vis* the conservative forces and, indeed, lack of an effective ideology, that compels them to avoid friction by free debate of socio-moral issues.

turn the face of the solidarity appeal from outward to inward by pointing out that the forces of modernist reform were creating friction and disunity inside the community, which is the inescapable consequence of any reform. Questions were also raised about the wisdom of the reformists in shaking the confidence of Muslims in themselves—i.e. in their age-old institutions and values—and making them dependent on an alien and inimical civilization. As time went on, undesirable changes in the Western social system—such as the threat to the family institution—were picked up as targets, and a vindication of unqualified pride in the traditional Muslim social institutions was vigorously undertaken.

Under the impact of these and similar factors, the modernist gave in and even joined the reactionary chorus. In the absence of desirability of any kind of change, exercise in intellectual modernism was not only futile but even impossible. The Muslims reverted to stability-in-rigidity, the status of inertia.

II THE DILEMMA OF THE RULING MODERNIST

Upon the assumption or reassumption of effective sovereignty, the rulers of the Muslim states were, generally speaking, direct heirs to the pre-independence legacy of inhibitions to socio-moral change, for which theoretical defenses had been produced by the apologetic and revivalist intellectuals. Whereas they saw the imperative necessity of economic development, they generally did not admit the desirability of change in institutions in the socio-moral sphere. Since the Muslim community was sound spiritually, morally and socially and was weak only economically, it must borrow from the West only its economic techniques and must guard itself generally from the socio-moral evil of the modern West, with the exception of modern education—more particularly technicological education—and the West's attitude to work. Education and a positive attitude to work, however, were in themselves fundamental social changes, and the direct path of social change being barred, the only hope to bring them about was economic incentive and stimulation. The mass attitude to education has rapidly changed over the years, but the attitude to work has not appreciably altered, particularly in the rural areas, under economic stimuli which, however, have been weak. But the thesis, that many Asians (i.e. Easterners in general) are inherently 'backward slopers' does not appear correct to me.[1] Islamic society's attitude to work is a result of depression caused by centuries of exploitation by the upper classes, which can be changed by suitable moral and economic stimuli over a period of time. If this were an inherent feature, why should the upper classes show thrift and 'forward sloping'?

This was undoubtedly the initial attitude of most Muslim rulers after independence. But when the thrust for economic progress did not bring satisfactory results and in some cases was almost frustrated because the whole complex of socio-moral institutions was pulling in the opposite direction, the realization

[1] See Gunnar Myrdal, *Asian Drama* (New York, 1968), vol. III, pp. 1871 ff.

began to dawn that it was necessary to change these institutions simultaneously and disturb the status quo. Injustices and exploitation on the farm, in the family, in the factory and the market had to be eliminated or minimized to raise production and, above all, capital formation had to be undertaken through banking institutions. But here the Muslim governments were faced with a new and formidable inhibition, the creation of the post-independence era—popular appeal.

In those sectors within the cultural pattern where reform has required hitting at particular vested groups—powerful though these groups were and entrenched in their vested interest—the rulers have generally carried out total or partial reforms by assuming requisite dictatorial powers. This was the case, for example, with agrarian reforms. In cases, however, where reform—however direly required—was likely to injure the feelings of the masses in general or on a large scale—as, for example, in the family law sphere or in applying direct methods to secure mass mobilization for work—the requisite measures were either not taken or were half-hearted. Outside Turkey, it was in Tunisia alone that polygamy was banned, for instance, and this was facilitated by, among other factors, the relatively small size of its population. The influence of the conservative '*Ulamâ*' is usually feared to be so strong that no authoritarian ruler has been able to face them squarely.

An interesting and revealing feature of the situation has been that the reformist regimes, while they appealed to Islam in their reform bids against the conservatives in the sphere of personal law, ignored Islam altogether when carrying out, for example, sorely needed agrarian and commercial reforms. One reason for this is that the conservative '*Ulamâ*' themselves have been treating subjects like family law as though they were in a specific sense 'Islamic', while economic and financial and even political life in general has been relegated by them to a secular or quasi-secular sphere, where the political authority could take independent decisions.[1] This shows how far-reaching the sweep of the secularization of life had become during recent centuries. The point, however, is that whereas the new reformist regimes, in presenting their agrarian or financial reforms as pieces of Islamic social justice, could have enhanced their Islamic *bona fides* and Islamic good will capital, as it were, which would have helped them win mass-support in their struggle against the '*Ulamâ*', they did not do so.[2] In Pakistan, for example, where certain powerful conservatives, including Maudûdi, attacked the government's land reform measures as being un-Islamic because they involved expro-

[1] Politics in Pakistan and to some extent in other countries, notably in Indonesia (and, of course, pre-Kemalist Turkey) are exceptions to this. In these countries, strong political conservative and revivalist organizations have been very active. One cannot help commenting, however, that the Islamic constitutional stand of these groups has been concerned with form rather than substance.

[2] It should be remembered that bureaucracies in all these countries are, by and large, secular and hence out of touch with the ethos of the masses. Since, however, they are drawn from the old middle class strata of society which are emotionally intensely Islamic, the bureaucrats act as an inhibitive force against reform because they do not want to appear to offend mass sentiments; see the last paragraph of this section.

priation of private property—the government did not make a single gesture to prove that these reforms were a requirement of Islamic social justice, and merely relied on the general popularity of these measures for acceptance by the public. In Egypt, the wholesale nationalization of wealth has been presented by Gamal Abdul-Nasser as 'Arab socialism', although he allowed and doubtlessly encouraged certain '*Ulamâ*' of al-Azhar to style these very measures as 'Islamic socialism'. But on the question of mobilization of the masses for work, both Arab and Islamic socialism are silent because this step might not be popular with the masses, however urgently needed and however logical a complement it might be for the nationalization of wealth.

In fact, the feebleness of the modern regimes in the East and their inability to carry out adequate social reforms in the name of popularity, even though most of these regimes are authoritarian, is a very fundamental feature of the present situation. Myrdal has incisively remarked that the modern Western democratic governments have, in fact, been able to apply pressure for effecting their socio-economic reform programs in the recent past to a much greater extent than these Eastern governments.[1] 'Force' here primarily means the force of law, i.e. the ability to make the law effective. In Western countries this has been obviously made possible by a more developed socio-economic consciousness of the public and a more mature moral sense in the socio-political sphere. However, certain governments have mobilized troops at certain points; for instance, the United States of America has had to do so to enforce civil rights.[2] This reveals the real dilemma of the Eastern regimes, viz. the *moral underdevelopment* of the people *for* whom and *in* whose name development programs are undertaken without any role being taken *by* them. This is the dilemma of democracy in an underdeveloped—primarily *morally* underdeveloped—society. This is what gives meaning to the concept of 'authoritarian democracy', a regime through which one hopes real democracy will develop.

Yet, the authoritarian ruler has the best existential chance of succeeding in carrying out large-scale socio-moral reforms if only he shows boldness and courage. He not only possesses sufficient actual power for enforcement but also controls the media of mass communication—the press, radio and television—which can be effectively used for suitable inducement of public opinion if tactfully operated. In such a situation, if *he* does not implement such reforms, it is difficult to see how else reform will come about at all. By his faint-heartedness and lack of determination, he lets slip his most valuable opportunity in the name of the unity

[1] Myrdal, *op. cit.* vol. II, p. 894—indeed, the whole of this and the following sections *et passim* his references to the 'soft state'.

[2] In Persia the government clashed in 1964 with the *Mullah*s over certain reforms; the *Mullah*s could not muster any large-scale mass support. This shows that in a determined reformist bid where the government's genuine stand can be made to be understood by the people, religious conservatism can be successfully isolated from the masses. Generally, however, the governments labor under the vague apprehension that 'masses are behind the *Mullah*s' and regard this proposition as a self-evident truth.

and solidarity of the society. He thus inadvertently plays into the hands of and strengthens the conservative extremists who killed the earlier modernist reform trends precisely on the same platform. A state of true stability and solidarity does not consist of merely a static internal cohesion of the various factors and elements of a society; it consists of an adjustment of the total social organism to movement and change. And this means adequate change in *all* parts and sectors of the organism. The concept of partial reform cannot work, for it reverts to negative stability.

It is not, however, the authoritarian ruler alone who acts as a drag on reform in the Islamic world. Besides the alleged pressure of the masses, the greatest limitation of today's dictator is his own advisors and particularly the bureaucratic machinery of the government. Even though the governments in these countries are and, indeed, have to be the main agency of change, many bureaucrats, for a number of reasons, are themselves averse to change and very often thwart the policies and even the specific orders of the top rulers.[1] One can still find officials who, for example, think mass literacy to be an eventual threat to the bureaucratic authority itself. If one works with these governments closely and for a long enough period, one is astonished to see to what extent lack of reform may be attributed not to the masses directly but to the drag-effect of government officialdom.

III INTELLECTUALS' METHODS OF REFORM

If the governments' minimal-action policies were restrictable to government circles alone, the field would be left free for intellectuals to conduct free discussion, and such uninhibited public debate could produce the necessary milieu for the governments to act in turn. In the Muslim countries, however, the governments' attitudes—explicit, but even implicit, ones—tend to affect and inhibit the intellectuals as well in various ways. All-powerful and mostly authoritarian as these governments are, most intellectuals—and, indeed, everybody—in these countries tend to 'look up' to the center of power; it takes nothing short of a 'rebel' to speak out without taking government policies into consideration. This, combined with the massive power of the conservative '*Ulamâ*' tends to crush intellectualism out of existence. Under the circumstances, the intellectuals toy with, advocate, and sometimes practise various approaches to Islamic modernism. These approaches can be broadly classified as follows:

(1) *Silence*

One may question the permissibility of categorizing as intellectuals people who are simply mute. But if being educated and having a capacity to think are any criteria for being an intellectual, this mute class is very large indeed. Nor would it be true to say that they are 'indifferent'. Occasionally when they talk in private,

[1] See note 2, p. 320 above.

they may exhibit a high degree of sensibility and intelligence, but in the general atmosphere prevailing they either lose the propensity to be intellectuals or think it 'inadvisable' to be so. Sometimes their intellectualism may be channelled into different directions. This class includes a large number of government officials, lawyers and other educated persons.[1] This category should be extended to include those small groups that meet at a friend's residence and informally discuss questions, either haphazardly or regularly. This group, although it is not vocal is, at least, not equivocal either and does not possess the duplicity we find in the following group.

(2) *Double-speaking and double-writing*

All over the modern world there is to be found not infrequently a phenomenon of janus-faced attitudes. When a society is in change, people—not excluding intellectuals—exhibit attitudes and also express views at least partially under the impact of and in response to the new forces of change, with part being a relic of or hang-over from the traditions of the past. This feature is particularly accentuated when the changing society is wedded to a strong tradition especially backed by powerful institutions. Often this attitude is not crass duplicity or hypocrisy, but there is a genuine contradiction within the person's mind and he gives his loyalty to both terms of the contradiction. This is a form of double-mindedness and is a function of the transition period.[2]

There is, however, a different type of attitude which is the result of systematic and cultivated double-mindedness, and this is duplicity or hypocrisy *par excellence*. This happens when people hold different views and beliefs from those of the masses in a highly traditional society which has strong social institutions for penalizing change. Often this is a function of a very limited 'elite' in a sea of traditionalism. The intellectual in this case tries to ease his conscience from the inner strains of double mindedness and justifies for himself and, by implication for others, the entertainment, or at least expression, of loyalty to contradictory beliefs 'at different levels'. Sometimes a grandiose principle is erected to the effect that the masses may hold beliefs which are contrary to truth but which may have pragmatic effects. Certain late Greek philosophers, particularly the Stoics, defended their popular religion on this principle from the onslaughts of Christianity. Certain Hindu intellectuals of today hold similar views about the cults of their popular religion. When these people are with the masses they identify

[1] A remarkable fact about the intellectuals is that they hardly include any scientists at all. Even more than in the West, scientists in these countries are only technologists; under the circumstances it is out of the question to expect any intellectual effort at formulating a scientific world-view. But the scientists do not even feel the need to discern the social implications or requisites of their technology. They live in an isolated world of their own—or, rather, they live as technologists in their laboratories or their field-work and as humans and perhaps even as Muslims in the society at large.

[2] H. A. R. Gibb in his *Modern Trends in Islam*, chap. IV, has brought out the inner strains from which many representatives of Muslim Modernism suffer.

themselves with mass religion, when they are in the company of the elite, they express contrary views.

In Islam, the tradition of such cultivated duplicity runs quite strong and deep. Not only do the *Shî'a* traditionally believe in *Taqîya*, or cultivated dissimulation of beliefs, but the Sunnis also have powerful strands of this attitude. Often the apparently sound principle: 'You should talk to people at the level of their understanding'—which is essentially a principle of diplomacy—is invoked to justify duplicity. The Muslim philosopher Avicenna, while accepting the doctrine of the resurrection of the body in all his major philosophical works, wrote a special treatise for his inner circle seeking to prove that physical resurrection was impossible and was intended only as a measure of 'inducement and warning' for the masses so that they would be virtuous. In general, the Muslim philosophers believed with the Greeks—that all religious movements were purely pragmatic (but untrue) measures meant for the masses. Al-Ghazâlî, while he bitterly attacked the philosophers, nevertheless wrote certain esoteric works incorporating much of the same philosophy. Esotericism has, indeed, infected Sunni Islam quite strongly via Sufism. There are other important examples. Muḥammad Iqbâl, for instance, wrote his *Reconstruction of Religious Thought in Islam*, which contained sweeping reform proposals in English—a language not understood by the masses or the *'Ulamâ'*, and kept his powerful and moving poetry—meant for the common man—mainly free of such reforms.[1]

If Muslim tradition offers many cases of such duplicity, it has hit the modern educated Muslim intelligentsia on the scale of a plague. This phenomenon obviously has a tendency to generate extremists—by pushing otherwise moderate people of integrity to rebellion and therefore producing pure secularists of various types against Islam.

(3) *Reform through tradition*

Most modern reformists who are genuine espouse the principle of reform through tradition. Its use reaches back into the heart of Islamic modernism in the nineteenth and the early twentieth centuries. Since the motivation for adopting this principle is to ensure the all-important purpose of continuity-in-change, it is basically sound provided it is wielded with care and honesty. There are certain questions which may particularly lend themselves to such a treatment by appeal to a traditional authority. Several Muslims have, for example, sought

[1] Professor Nikkie R. Keddie in her *An Islamic Response to Imperialism: Political and Religious Writings of Jamāl al-Dın 'al-Afghani'* (Berkeley, University of California Press, 1968) has also accused Jamâl al-Dın al-Afghânî of this type of duplicity and sought to draw support therefrom for her (otherwise formidably documented thesis that he was a Persian) contention that al-Afghânî was a *Shî'î*. It is, however, clear that one does not have to be a *Shî'î* to practice duplicity. Like Shâh Walîy Allâh of Delhi and others, however, al-Afghânî may well have suffered from 'double-mindedness' in the sense noted above and acted on the principle 'You should talk to people according to their level of understanding'. Duplicity is not easy to imagine on the part of a person who was capable of suffering exile from one country to another for the sake of what he preached.

to support their advocacy of family-limitation programmes, opposed by most traditionalists, quoting al-Shâfi'î's interpretation of the Qur'ân[1] or the *Khuṭba* of 'Amr ibn al-'Âs to the Muslim camps in Egypt. The value of this procedure lies in the fact that one is able to meet the traditionalists by their own weapons in using tradition.

But it is obvious that this approach suffers from serious limitations and a fundamental drawback. Its fundamental shortcoming consists in the fact that by an appeal to tradition (rather than to a rational interpretation of tradition), one is strengthening traditionalism itself and doing fundamental harm to modernism. If tradition were rationally interpreted and then conclusions drawn from it for the present Muslim situation, this would be the proper procedure. But usually a simple mechanical appeal to tradition is made. When, in such a context, a tradition is quoted, the traditionalist is often in the strong position of quoting a much larger number of traditions, appealing to the centuries-long practice on his side and dismissing the modernist's tradition as 'weak' and inconsequential—even if he cannot claim *Ijmâ'* for himself thanks to the modernist's tradition. There is, therefore, no real substitute for a genuinely rational and honest interpretation of traditions. By so interpreting tradition, the same purpose of continuity can be served, while at the same time vindicating the modernist's advocacy of reform.

A classic case of this type is the new inheritance law in Egypt, which seeks to give benefit to an orphaned grandchild from the inheritance of his deceased grandfather through the principle of a mandatory will on the part of the grandfather. Since the framers of this law were afraid that they could not find support in tradition for granting a direct share to the orphaned grandchild, they had recourse to the 'mandatory will' concept. But this idea is also against tradition, and the mention of the will—not mandatory will—in the Qur'ân cannot give it putative traditional support. Further, by measuring the grandchild's portion as being equivalent to 'his father's share if the latter were alive', the law clearly reveals that what is really being given is a share in inheritance and not the benefit of any will.

A more formalized procedure of reform through tradition is the principle known as '*Talfîq*'. According to this principle, if on a given issue serious hardship is likely to be experienced by the opinion of a particular school of traditional law, recourse may be had to the opinion of another school of traditional law, which may be more accommodating or expedient. This procedure is a legacy of pre-modernist liberalizing trends in Islam. To a limited extent, this principle may be still applied on certain questions without injuring the fundamentals of modernist reform, provided the demands of inner consistency are not violated. But a wholesale application of it would obviously sacrifice modernism at the altar of traditionalism. In a sense, the acceptance of this procedure as a *principle* is a retrogression even from the position of the Wahhâbism of the eighteenth century.

[1] Qur'ân, IV, 3.

For, whereas the Wahhâbîs had limited traditional authority, besides the Qur'ân and the Sunna, to the earliest generations, this principle allows appeal to anything in the past as though the past as such had authority. And, of course, it makes *Ijtihâd* utterly redundant—because this principle looks backward, not forward.

But often even the demands of consistency are sacrificed by the operations of *Talfîq*. Since, for example, Ḥanafî law concerning the prolonged absence of a husband whose whereabouts are not known creates difficulties by demanding that the wife wait ninety years before she can remarry, modern legislation in various Muslim countries has adopted the Mâlikî law which requires a waiting period of four years only. The bases of the two laws are, however, quite different. Whereas Ḥanafî law contends that the woman should wait until the natural (maximum) life-term expires, and only then can she presume her husband dead, the Malikî law, instead of requiring a life-term waiting, requires that the woman wait till the natural maximum gestation period expires, which according to Mâlik is four years. In fact, this was a perfect case for *Ijtihâd* if only the modernists had chosen to perform it. Of the three bases for waiting, i.e. the Ḥanafî basis of a life-term, the Mâlikî idea of a maximum period of gestation (according to Mâlik) and the time it takes to find out, through the modern developed media of communication, the possible whereabouts of the husband, the new legislation could have chosen a lesser period by rejecting the Ḥanafî basis altogether and modifying the Mâlikî view about the duration of gestation in favour of a lesser period established by gynecology. Indeed, the Laws of Evidence of these countries, do, in fact, fix the period of gestation in conformity with the general findings of modern gynecology, thus contradicting Islamic law on the matter.

Sometimes a curious simple reversion to traditionalism takes place under the stress of exceptional circumstances. The presidential election of Pakistan of 1964–5 is an instance in point. During the heat-period of the campaign, Ayub Khan was persuaded by his advisors to condemn the candidacy of his opponent, Miss Fatima Jinnah, on the traditionalist ground that Islam does not permit a woman to be head of state. Miss Jinnah herself was, of course, primarily exploiting the image of her dead brother (besides whatever resentment existed against Ayub Khan), rather than standing on her personal merit. Ayub Khan may well have achieved the same object by stressing the question of the relative merits, capacities, and performance of the two candidates; instead, he created a serious dent in his otherwise admirably consistent and steadfast modernist position by appealing to traditionalist forces. Incidentally, Maudûdi, the authentic and effective voice of organized conservatism in Pakistan, who in an earlier book had tried to prove that in Islam a woman could not only not be head of a state but could hold no public office at all, supported Miss Jinnah publicly with a severe resultant loss of his clientele on such a blatant *volte face*!

(4) *The partialist and link approach*

Another attitude, rather vague in its substance but very strong in its motivation, is what may be termed the partialist and/or the link method. This approach contends that Islamic modernism must not be undertaken simultaneously on all levels or so many fronts but must be piecemeal and 'gradual', avoiding swift and large-scale change. This position seems attractive enough on its face, but when one pauses to inquire into its content, extraordinary confusion and vagueness are revealed. Very often it means simply that one must not discuss the problems of modernization intellectually, explicating the issues involved, but that modern institutions should be set up and worked 'silently' and independently as separate units without any reference to Islam.[1] Banks should be established and multiplied for capital formation and should be allowed to work 'successfully' without raising and solving the issue of the almost unanimous traditionalist position that bank-interest is illegal in Islam. Certain modern Western practitioners of economic development in the Middle East hold similar views. Max Thornburg, in his otherwise admirably sober work *People and Policy in the Middle East*, states:

> If values reflect a long gone past that cannot be changed now, how can these values themselves be changed?... But, the practitioner asks, does the process of growth require that existing values be changed? Or only that new values—values upon innovations—be created that are more compelling in their effect than the old ones?[2]

That this path is the path of gradual but sure secularism—the total displacement in time of not only traditional Islam but Islam itself—is obvious, for it seeks to create modern institutions divorced from, not in integration of, Islamic values. This is also what is often meant by 'gradual' reform. It is obvious that whereas the proponents of this view often describe it as 'link-approach', it is in reality just the opposite—discarding even the very need for links with the Islamic sources. When a Muslim propounds this view, he only authenticates the intellectual demise of Islamic modernism. While admitting that Islamic reform is a process and not a coup, one may be permitted to ask how this process is to be made possible at all on the basis of such an approach. There is simply no substitute for a conscious formulation of the problem, however irksome and painful this procedure may be. And given time, it will not remain as painful.

A slightly different but fundamentally the same intellectual approach is illustrated by the question of *Zakât*, the only tax imposed by the Qur'ân. Its

[1] Manfred Halpern quotes from Majid Khadduri's *From Religious to National Law* that al-Sanhûri, an eminent modern Arab legist 'wisely abstained from discussing controversial issues that might have brought him into conflict with the '*Ulamâ*' and interrupted his work'—and that al-Sanhûri proceeded 'Without going into a theoretical discussion on how the *Sharî'a* generally should be modernized, or even trying to give a rationale to his scheme.' (M. Halpern: *The Politics of Social Change in the Middle East and North Africa*, Princeton University Press, 1963, p. 126.) While Halpern himself apparently approves of the salutary character of this procedure in general, he has certain reservations.

[2] New York (1964), p. 126.

expenditure items are so multifarious—including defense, communications, education (according to Qur'ân commentators) and even diplomatic expenditure—that all the social needs of the Prophet's society were thought to be covered by it, although it is generally misunderstood today to be only a 'poor-tax'. Since the economy in which it was conceived and to which it was applied was a pre-development economy, it was conceived as a wealth-tax leviable on the surplus and hoarded wealth of a person (not on the yearly revenue as some writers think). Particularly in the modern period, *Zakât* became a purely voluntary charity when its place was taken by the secular taxation of the modern state.

There is, however, a general demand by the Muslim public to restore *Zakât* as a tax – it was enshrined in the two late constitutions of Pakistan, and several Middle Eastern countries have, in fact, set up offices to collect voluntary payments of *Zakât*. In the new developing economy, however, large industrialists can usually escape it as it was conceived in medieval times since they usually have heavy overdrafts from the banks (and are thus 'debtors') and little cash surplus. A more invidious phenomenon is that many people—including industrialists—evade government and 'secular' taxes and ease their consciences by paying a pittance of *Zakât*, the primary beneficiaries of which are the traditional schools, or *Madrasa*s run and controlled by the '*Ulamâ*'. In 1966 when I suggested in Pakistan that Muslims might rationalize and streamline the taxation structure by reintroducing *Zakât*, refixing its rates in view of the colossal rise in government spending, extending it to the sector of the invested wealth from merely hoarded wealth and thus restoring to the tax-payer his proper Islamic motivation and minimizing tax-evasion, the amount of opposition it provoked from the ranks of the '*Ulamâ*' was astonishing. There was a controversy on a national scale.

The advice which came forth from most modernists in the aftermath of this controversy was that I was seeking too abrupt a change in the established practice of current Islam, that at first the government might collect *Zakât* on a voluntary basis, later it could turn it into a formal tax, and after that all taxation could be brought under the aegis of *Zakât* by introducing changes into its structure similar to those I had suggested. The point to note here is that these modernists were as much shocked as were the conservatives by my *intellectual formulation* of the problem for, so far as the practical side is concerned, I was not advocating an overnight change in the taxation system since this would be possible only under an extraordinary dictatorial modernist regime. What is important is that the modernist not only wants piecemeal and gradual implementation but also piecemeal *thinking* and is shocked by an intellectual formulation which attempts to identify the various aspects of the matter and seeks to produce a coherent view of it. It is this attempt at keeping intellectual activity either at zero point or at the minimal possible level and to excogitate fundamental issues that is the bane of Islamic modernism. How is any reform to come about?

(5) *The systematic interpretation method*

If the Muslims' loud and persistent talk about the viability of Islam as a system of doctrine and practice in the world of today is genuine (a question the answer to which is not easy to determine), then it seems clear that they must once again start at the intellectual level. They must candidly and without inhibitions discuss what Islam wants them to do today. The entire body of the *Sharî'a* must be subjected to fresh examination in the light of the Qur'ânic evidence. A systematic and bold interpretation of the Qur'ân must be undertaken. The greatest peril in this undertaking would be, no doubt, the projection of subjective ideas into the Qur'ân, making it the object of arbitrary treatment. But although this may be a very grave danger it is not all as inevitable as it has been made out to be, and it can certainly be largely minimized. A strict methodology for understanding and interpreting the Qur'ân should be adopted.

(*a*) A sober and honest historical approach must be used for finding the meaning of the Qur'ânic text. The metaphysical aspect of Qur'ânic teaching may not lend itself very easily to historical treatment, but the sociological part certainly will. First of all, the Qur'ân must be studied in chronological order. An examination of the earliest revelations to begin with will bestow an accurate enough perception of the basic impulse of the Islamic movement as distinguished from measures and institutions established later. And so one must follow the unfolding of the Qur'ân through the career and struggle of Muḥammad. This historical method will save us much of the extravagance and artificiality of modernist interpretations of the Qur'ân. Apart from fixing the meaning of details, this method will also bring out the overall import of the Qur'ânic message in a systematic and coherent manner.

(*b*) Then one is ready to distinguish between Qur'ânic legal dicta and the *objectives* and *ends* these laws were expected to serve. Here one is again exposed to the danger of subjectivity, but this can again be reduced to the minimum by using the Qur'ân itself. It has been all too often overlooked by non-Muslims and Muslims alike that the Qur'ân normally gives reasons for its specific legal pronouncements. Two women's evidence in lieu of one man's, why?—'so that one woman should remind the other in case the other forgets':[1] This is a clear commentary on the sociological setting of the Prophet's Arabia and an insistence that correct evidence must be produced as far as possible. Is this imperative so difficult of implementation that the Muslim should feel peculiarly embarrassed today?

(*c*) The objectives of the Qur'ân must be understood and fixed, keeping in full view its sociological setting, i.e. the environment in which the Prophet moved and worked. This will put an end to subjective interpretations of the Qur'ân, be they medieval or modern—even if these interpretations appear to be coherent within themselves. A person like Mr G. A. Parvez, for example, may systematically

[1] Qur'ân, II, 282.

produce from the Qur'ân a communist type of doctrine and use all the tools at his disposal to do so, but the historic-sociological approach will belie him. If one is determined not to carry one's own obsessions into the Qur'ân, this approach will be most rewarding and, we believe, the only real hope for a successful interpretation of it today. In a macroscopic sense (as opposed to distinctions of detail), however, all interpretations and approaches to truth are subjective, and this cannot be eliminated. All views have a point of view, and there is no harm in this provided the angle of vision does not distort the object of vision and is also exposed to other viewers' visions. Indeed, the difference of opinion thus generated is healthy provided only the opinions are not unreasonable.

Difficulties and differences of interpretation will undoubtedly arise also on this sociological approach, but it is the only approach that can also lead to satisfactory solutions. Take, for example, the case of punishment for theft stated in the Qur'ân, viz. the cutting off of a hand. The classical jurists tried to find a 'way out' by making the definition of theft very narrow and by applying the principle of 'benefit of doubt' with extraordinary generosity to all cases of what they call *ḥudûd*. This, of course, meant that even people who were really guilty received no punishment at all, for no other punishment, in their view, could be substituted for a *ḥadd*-punishment. When there exists a law—and divine law at that—which is hardly ever applied, the moral evil wrought by such a situation is obvious. In modern times there have been other attempts at interpreting this verse. The phrase 'the cutting of a hand' (*qat' al-yad*), it has been argued, may be taken metaphorically, i.e. making it impossible for people to commit theft or putting it 'beyond their reach' through economic sufficiency. Historically, however, it is certain that the cutting off of a hand of a thief was literally meant and practised. On what basis, then, can we turn from the literal to the metaphorical? Sociologically, it appears that this practice already existed among certain tribes before Muḥammad and that it was adopted by the Qur'ân. In the concept of theft there are two main elements, the wrongful taking away of an *economic* entity and the violation of the right of *private* possession. In a tribal setting the right of possession is strongly associated with an accentuated sense of personal honor and theft is primarily regarded, not as an economic crime, but as a crime against values of personal honor and its inviolable sanctity. In advanced urbanized societies, however, there is a visible shift in values, and theft comes to be looked upon more in economic terms as wrongful depriving of the owner by the thief of the former's right to use a certain economic asset or facility. Already 'Izz al-Dîn ibn 'Abd al-Salâm has noted that 'many people have a tendency in our day to forgive the thief out of sympathy for him'.[1] This genuine shift in values requires a change in punishment.

This sociological approach does raise serious questions of a theological nature about the eternity of the Word of God and Divine Law. But theological questions

[1] See my article: 'The Concept of *Ḥadd* in Islamic Law', in *Islamic Studies*, Journal of the Central Institute of Islamic Research, Karachi (now Islamabad), vol. IV, no. 3 (September, 1965), p. 247 n. 10.

can be and, indeed, must be tackled at the proper plane of theology. The eternity of the Word of God can be substantially admitted. As for the eternity of the letter of the Law, it may be justifiably contended that in questions which touch social regulations, the Divine Ordinance has a moral plane and a specifically legal plane, the latter being a transaction between the eternity of the Word and the actual ecological situation of seventh-century Arabia. The ecological aspect is obviously liable to change. We know that 'Umar ibn al-Khaṭṭâb had to introduce certain drastic changes in social regulations, sometimes bitterly opposed by eminent Companions of the Prophet.

Although this method of interpretation of the Qur'ân and the Sunna seems to be the most satisfactory and perhaps the only possible one—it is honest, true and practical—there is no reason to believe that Muslims are ready to accept it. The backwash on conservatism since the second decade of this century has been so strong that it has virtually killed intellectualism, of whose revival there are no signs at present for reasons briefly outlined in the earlier part of this paper. Certainly in Pakistan, where it was mooted, this approach met with an almost total negative response—largely without being even studied properly. It has been accused of being too total and abrupt, of sacrificing too much of traditional, i.e. 'historic', Islam at a single stroke, and of suspected 'West-oriented' motivation. However, all other methods, as our analysis has shown, are essentially farcical devices of marking time. Under the circumstances, secularism alone would seem to have the best chance of eventual success.

6) *Secularism*

The pressures of a moribund conservatism and the imbecilities of Islamic modernism directly generate secularism. Secularism in Islam, properly speaking, is the acceptance of laws and other social and political institutions ***without reference to Islam***, i.e. without their being derived from, or organically linked with, the principles of the Qur'ân and the Sunna. In the West, however, there is a pervasive confusion with regard to the concept of secularism in Islamic society. Despite the work of H. A. R. Gibb (and partly W. C. Smith) many Western writers, particularly sociologists, tend to think, along with Muslim conservatives, that changes induced into the content of the *Sharî'a* constitute secularism. But if Islamic modernism means anything, it means precisely the induction of change into the content of the *Sharî'a*—large-scale and multilateral change indeed. And once the principle of change has been admitted on the line enunciated in this paper, it cannot stop anywhere—not even short of touching the specifically legal dicta of the Qur'ân. Its only limit and necessary framework is the spiritual and ethical foundational principles and social objectives of the Qur'ân.

At the bottom of this confusion, both among Muslim conservatives and Western writers, lies the stated or implicit identification of the *Sharî'a* with the *Muslim past*, rather than with the truth of Islam. Thus, when Maudûdî says, 'Islam is

not our property for us to *offer it to others*, with alterations suitable to the requirements of the market', it is in substance what Manfred Halpern says, 'The *Sharî'a* has by now ceased to be the primary source of ethics, and insofar as its rules survive in modern laws, it has ceased to be either divine or final... Once everyone was free to make judgments, it was clear that the *Sharî'a* would have to give way. There was no longer a single highway into the future. The Turks did not bother to retain any part of the *Sharî'a*.'[1] The author of this quotation obviously thinks that Muslims could change bits of the *Sharî'a* content here and there and still have the consolation that they have not tampered too much with 'God's Will' after all!—a less logical position than Maudûdî's. If the test of the distinction between secular law and religious law is that the former is man-made while the latter is God-made, then classical Muslim law is already largely secular for it is clearly the work of Muslim legists.

Secular attitudes and procedures are an important fact of reality in the Muslim world. The actual workings of the governmental institutions in all Muslim countries are secular, whether in the declared Islamic Republic of Pakistan or the declared Secular Republic of Turkey or the silent Republic of Egypt. The most important fact about this phenomenon, however, is that, as we said earlier, this secularism is forced by, and a natural reaction to, the conservative forces in Islam which did not and still do not allow a consistent and large-scale rethinking of the content of the *Sharî'a* at an ethico-legal plane. Not even Turkey, where secularism has been espoused expressly and as a principle, is an exception to this for, in fact, Turkish secularism was historically induced, not on any philosophic basis, but as the stark alternative to conservatism. In the West too secularism came as a relief from the encroachments of the Church on the State but it found its philosophic basis, not only in reason, but in the earlier Christian formula of a division of labor between Caesar and God.

Muslim secularism could, therefore, be possibly conceived as an alternative form of, or as a phase of, Islamic modernism. It could also, of course, become genuine secularism in the course of time if either the forces of conservatism did not weaken or become enlightened or if, by the time the conservative forces weakened, the will to return to Islam did not remain strong enough on the part of the modernized classes. This is a very strong possibility, and certain current trends in the rising Muslim middle class support this alternative. But should the attachment to Islam remain undiminished (and it is a remarkable fact how strong this attachment is even in the younger generation in Turkey), the possibility remains vivid that the entire content of modern secularism, as imbibed by Muslim societies, would be organically integrated into the truth-sources of Islam—the Qur'ân and the Sunna. That this is theoretically feasible cannot be denied, for even in the initial phase of the legal development of Islam both processes took place, viz. to attempt to derive law directly from the Qur'ân (the task we have assigned to Islamic modernism) and to Islamize the legal and institutional

[1] Halpern, *op. cit.* p. 126.

materials that were simply adopted from outside Islam (the task of the Islamization of secular modernism).

Time alone will tell what choice the Muslims will make. For the time being, there exists only a total vacuum of Islamic intellectualism and a proliferation of modern secular institutions, which are ill at ease and largely sterile and unproductive due to a lack of integration with the conservative milieu. The new forces being generated on a gigantic scale by education, industry and development have clustered around the issues not so much of law but of the methods of generations of wealth, the nature of the means of production and, above all, of social justice. The earlier legal terms have been completely overshadowed. Ideologically, therefore, the Muslim countries are desperately ill-prepared with an Islamic framework to direct and channel these new forces and to control change.